

UNITED STATES DISTRICT COURT
for the
Eastern District of California

United States of America
v.
GARY DEWAYNE MCWHORTER

Date of Original Judgment: 1/26/2006

Date of Previous Amended Judgment: 8/5/2010

(Use Date of Last Amended Judgment if Any)

Case No: 2:04CR00372 -01

USM No: 15366-097

DAVID M. PORTER, AFD

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 188 months **is reduced to** 151 months.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 1/26/2006 shall remain in effect.

IT IS SO ORDERED.

Order Date: 1/31/2012

/s/ John A. Mendez

Judge's signature

Effective Date: (if different from order date)

JOHN A. MENDEZ, U.S. DISTRICT COURT JUDGE

Printed name and title